

EXAMINER'S AMENDMENT

An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it **MUST** be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Thomas Spinelli on December 17, 2009.

The application has been amended as follows:

Claims 1, 8-9, 15-16, 23-24, 26 and 28 are **CANCELLED**.

The following is an examiner's statement of reasons for allowance: The prior art does not teach or fairly suggest the apparatus claims as recited in independent claims 21 and 27 of the instant invention comprising, *inter alia* an electric bending endoscope having a first unit which holds a motor and a second unit separable from the first unit which holds a transmitting member and a plate member for connecting the first and second units which is a buffering member for absorbing force applied to the inserting portion during operation and a three-axial direction fixing member used to fix a frame unit and a main frame via a positioning tool.

Mizuno et al. (U.S. Patent No. 6,569,084) disclose an electric bending endoscope comprising: a bending portion 3 arranged to an inserting portion 2; a first unit 81 which has a frame unit and which holds a motor 85 that generates driving force for bending the bending portion, the frame unit being connected to a cord (not labeled)

Art Unit: 3739

for supplying a signal for driving the motor from a bending control device 27 (see Fig. 10 and Col. 10, Lines 1-6); a second unit 82 which is separable from the first unit and which has a transmitting member 91 for transmitting the driving force of the motor to the bending portion, the second unit having a main frame to which is connected the inserting portion (see Fig. 10 and Col. 9, Lines 50-61); and a buffering member 83 that is a plate member, the buffering member being connected to the frame unit at a first portion of the plate member and to the main frame at a second portion of the plate member, an intermediate portion between the first portion and the second portion of the plate member being arranged to traverse across a junction between the first unit and the second unit the buffering member absorbing a force applied to the inserting portion by an external operation between the first portion connected to the frame unit and the second portion connected to the main frame (see Fig. 10). However, Mizuno et al. are silent with respect to a fixing member which fixes the inner frame unit of the first unit and a main frame arranged to the second unit via a fixing member by using a positioning tool for positioning in a three-axial direction. The fixing member of Mizuno et al. is merely a clamp, which lacks any need for a positioning tool, let alone a tool for positioning in a three-way axial direction. The fixing member provided within the instant invention ensures a secure connection between the main frame and the inner frame as well as proper alignment between the first unit and the second unit via the three-way axial positioning means provided in combination with the fixing member (see Fig. 2). Thus, providing a fully function electric bending endoscope with a buffering member

Art Unit: 3739

which absorbs external forces (surplus forces) applied to the insertion portion of the endoscope during operation of the endoscope.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Any inquiry concerning this communication or earlier communications from the examiner should be directed to MATTHEW J. KASZTEJNA whose telephone number is (571)272-6086. The examiner can normally be reached on Mon-Fri, 8:30-6:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Linda C.M. Dvorak can be reached on (571) 272-4764. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 3739

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Matthew J Kasztejna/
Primary Examiner, Art Unit 3739

12/17/09